

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION

TRIPLE H DEBRIS REMOVAL, INC.

PLAINTIFF

v.

Case No: 07-2086

COMPANION PROPERTY AND
CASUALTY INSURANCE COMPANY

DEFENDANT

O R D E R

Currently before the Court are Plaintiff's Motion for Partial Summary Judgment on the Issue of Liability (doc. 32), Defendant's response, and Plaintiff's reply. In determining whether summary judgment is appropriate, the Court must view the facts, and all reasonable inferences from those facts, in the light most favorable to the non-moving party. *Rabushka v. Crane Co.*, 122 F.3d 559, 562 (8th Cir. 1997). The Court, having thoroughly reviewed each filing and accompanying exhibits, has identified numerous issues of material fact that render summary judgment inappropriate. Therefore, Plaintiff's motion is **DENIED**. This case remains set for trial during the week of August 16, 2010.

IT IS SO ORDERED this 27th day of July 2010.

/s/ Robert T. Dawson
Honorable Robert T. Dawson
United States District Judge